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Total Number Of Pages In This Submission

3

Application Number

10/051,976

Filing Date

January 16, 2002

First Named Inventor

Derek J. HEI

Group Art Unit

1651

Examiner Name

D. NAFF

Attorney Docket No.

282172000902

ENCLOSURES (check all that apply)

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| <input checked="" type="checkbox"/> Amendment / Reply - 2 pages | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
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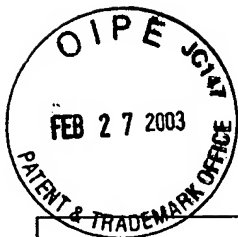
| | |
|-------------------------------|---|
| Firm or Individual Name | Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018 |
| Signature | Charles D. Holland, Reg. No. 35,196 |
| Date | February 19, 2003 |

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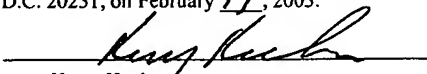
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PATENT
Docket No. 282172000902

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Kerry Keehan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Derek J. HEI and George D. CIMINO

Serial No.: 10/051,976

Filing Date: January 16, 2002

For: METHODS AND DEVICES FOR THE
REMOVAL OF PSORALENS FROM
BLOOD PRODUCTS

Examiner: D. Naff

Group Art Unit: 1651

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated January 27, 2003 (paper no. 9) for which a response is due on February 27, 2003.

Applicants elect the claims of Group I without traverse. Accordingly, Applicants request examination of the claims of Group I on the merits.

Applicants wish to clarify a mis-statement in the most recent communication from the Office. The Examiner stated that in the methods of the claims of Group I (claims 1-9, 25 and 26) and Group II (claims 10-24 and 27-54), "The resin in Group II has a pore structure capable of removing free psoralen whereas the resin of Group I does not have this pore structure."

Applicants note that the resin specified in the claims of Group I and Group II may each remove free psoralen remaining in the blood product being treated by the claimed method.

Applicants also request that the Examiner reevaluate the classification of the elected claims. Class 435 subclass 260 relates to preserving or maintaining microorganisms. Applicant's methods do not necessarily preserve or maintain microorganisms in a blood product but, instead, often inactivate and/or prevent replication of microorganisms.

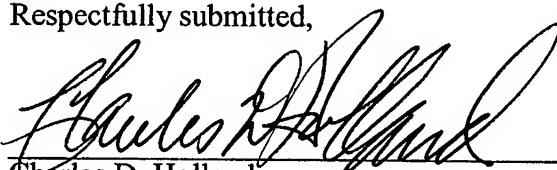
Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 282172000902. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 19, 2003

Respectfully submitted,

By:



Charles D. Holland
Registration No. 35,196

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